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October 25, 2005

Honorable Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hassan v. Spicer et al
Case No. 05 CV 1526 (FB)(LB)

Dear Judge Block:

I personally have been representing Defendants Dr. Kenneth Spicer, the Intersocietal Accreditation Commission and the Intersocietal Commission for the Accreditation of Nuclear Medicine Laboratories. I prepared a Motion To Dismiss on behalf of Defendants. As I am the attorney who has been involved in this case from the beginning, I request leave to file an amended reply in further support of the Motion To Dismiss. The attorney who submitted the existing Reply was not sufficiently familiar with the case to address all the issues fully. Dr. Hassan graciously has consented to my request. This is the first time Defendants have requested such relief.

When the Motion To Dismiss was filed, I was a partner at the law firm of L'Abbate, Balkan, Colavita & Contini, LLP. Subsequently, I left L'Abbate, Balkan, Colavita & Contini, LLP and joined the law firm of Gordon & Rees, LLP. Gordon & Rees has filed a Rule 1.4 Motion, requesting leave for my former firm to withdraw as counsel. Additionally, Defendants have signed consent to change attorney.

Upon recent receipt of the file in this case, from my former law firm, it has come to my attention that Dr. Hassan submitted his opposition to our Motion To Dismiss and an attorney unfamiliar with the case submitted a one and a half page Reply. Neither Defendants nor I were consulted prior to that filing. Accordingly, we request that we be permitted to file an amended Reply.

Pursuant to Your Honor's rules, I had been holding the original Motion To Dismiss until all the briefing was completed. I still have that Motion and an original of Dr. Hassan's opposition. I do not believe those properly were submitted to the Court.

We respectfully request that Your Honor "so order" this application. We then will submit all the briefs to the Court for decision. Thank you for your consideration.

Respectfully submitted,

GORDON & REES LLP

Deborah Swindells Donovan

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~~SO ORDERED~~

FREDERIC BLOCK *10/28/05*
UNITED STATES DISTRICT COURT JUDGE

*THE REPLY IS TO BE
SERVED & FILED BY
11/15/05.*

DSD:dsd

cc: Dr. Khalid Fassan, MD, FACC